IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

LA.App..No. 75 of 2007()

APPELLANT: RESPONDENT:

THE KERALA STATE,
REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM.

BY GOVT.PLEADER SMT.K.R. DEEPA.

RESPONDENTS: CLAIMANT:

SOBHA, W/O. SASI,
MANIMANDIRAM, KATTAMPAKKUKARA,NJEEZHOOR, VAIKOM.

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Kurian Joseph & A.K. Basheer, JJ.

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L.A.A.No. 75 of 2007

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Dated this the 23rd day of January, 2007.

J U D G M E N T

Kurian Joseph, J:

An extent of 3.97 Ares was acquired for the formation of Vilayamkode Distributory of Muvattupuzha Valley Irrigation Project by notification dated 23.9.1999. The enhancement awarded by the Reference Court, admittedly, is only around 60%. It is seen from the judgment that the appellant did not have any objection. It is also seen from the judgment that the appellant did not even file a statement. It was considering the importance of the land, the improvements therein and also the proximity of the land to the junction and also important institutions and commercial centres that the enhancement was given. As rightly observed by the Reference Court, in such circumstances the enhancement cannot be fixed with mathematical precision. In such circumstances, the Reference Court on the basis of available material found that it would be just and proper that 60% enhancement is given on the value already fixed by the Land Acquisition Officer along with statutory benefits. We also take note of the fact that the land involved is only around 10 cents. In the facts and circumstances of the case we do not find that the judgment is in any way unjust, unreasonable or erroneous.

The appeal is dismissed.

Kurian Joseph
Judge.

A.K. Basheer
Judge.

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